

ATTACHMENT A

ORDINANCE NO. 2437

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, AMENDING CHAPTER 2.22 OF THE VICTORVILLE MUNICIPAL CODE (PERSONNEL MERIT SYSTEM) FOR THE PURPOSE OF REDUCING THE PROBATIONARY PERIOD FROM TWELVE TO SIX MONTHS WITH RESPECT TO LATERAL HIRES OF FIREFIGHTER/PARAMEDICS

WHEREAS, the City of Victorville (“City”) has previously established by ordinance a Personnel Merit System (the “**Personnel System**”), which is currently codified in Chapter 2.22 of the Victorville Municipal Code (“VMC”); and

WHEREAS, the purpose of said Chapter 2.22 is to: establish an equitable and uniform procedure for dealing with personnel matters; attract to municipal service the best, most competent persons available; to assure that appointments and promotions of employees to the competitive service will be based on merit and fitness; and to provide a reasonable degree of security for qualified employees in the Personnel System; and

WHEREAS, Chapter 2.22 contains the basic framework for the City’s Personnel System, describes the positions that are and are not included in the competitive service, and further provides for the adoption by resolution of rules to establish regulations governing the Personnel System (hereafter the “**Personnel Rules**”) which have previously been adopted and revised by the City Council from time to time; and

WHEREAS, Section 2.22.070 of VMC Chapter 2.22 requires a twelve (12) month probationary period for all original (new) and promotional appointments (hires) to positions covered by the competitive service; and

WHEREAS, pursuant to Rule IX, Section 2 of the Personnel Rules, the probationary period constitutes part of the City’s testing process and is utilized for observing the employee's work, for securing the most effective adjustment of a new employee in his/her position, and for rejecting any probationary employee whose performance does not meet the required standards of work; and

WHEREAS, firefighter/paramedic positions are common to many public agencies across the nation (*e.g.*, cities, counties, and fire protection districts) and have primarily uniform training and certification prerequisites, which make individuals who have achieved regular employment status in such public agency positions more uniquely qualified and valuable due to their prior training and experience; and

WHEREAS, the recruiting and retention of firefighter/paramedics has become extremely competitive over the past few years, and the City must respond to the changing market in order to attract qualified candidates who are willing to accept employment with the City to fill in these critically needed positions; and

WHEREAS, the current inflexible twelve-month probationary period, particularly with respect to firefighter/paramedic applicants who are currently employed by other public agencies in nearly identical job classifications (Lateral Entry applicants), has contributed to the City's inability to attract and hire qualified and experienced personnel; and

WHEREAS, City staff is recommending the VMC be amended to permit reduction of the probationary period to six months only with respect to Lateral Entry applicants for firefighter/paramedic positions within the City's Fire Department; and

WHEREAS, this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines as set forth further herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals.

The recitals set forth above are true and correct and are hereby incorporated by this reference as if set forth in their entirety.

Section 2. Amendment to Section 2.22.070 of Chapter 2.22 of the VMC

SECTION 2.22.070 (PROBATIONARY PERIOD) OF CHAPTER 2.22 OF THE VICTORVILLE MUNICIPAL CODE (PERSONNEL MERIT SYSTEM) IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

2.22.070 Probationary Period

Except as may be specified otherwise in this Chapter, all original and promotional appointments to the competitive service shall be tentative and subject to a probationary period of not less than twelve months; provided, however, that the personnel officer is authorized to extend for a period not to exceed six months the probationary period of any employee in the city. The city council may, by resolution, establish a longer probationary period for specified classes. During the probationary period the employee may be rejected at any time without cause or justification and without the right of appeal or hearing. An employee rejected during the probationary period from a competitive service position to which he/she has been promoted from another competitive service position shall be reinstated to a position in the class in which he/she was promoted unless he/she is discharged from the city's service in accordance with the provisions applicable to employees in the competitive service.

An employee in the competitive service promoted or transferred to a position not included in the competitive service shall be reinstated to a position in the class in which he/she was promoted or transferred, if action is taken to reject him/her, unless he/she is

discharged in a manner provided in this Chapter and the personnel rules for positions in the competitive service.

If the service of the probationary employee has been satisfactory to the appointing authority, then the appointing authority shall file with the personnel officer a statement in writing to such effect and state that the retention of such employee is requested. If such a statement is not filed, the employee will be deemed unsatisfactory and his/her employment terminated at the expiration of his probationary period.

Section 3. Addition of New Section 2.22.075 to Chapter 2.22 of the VMC

A NEW SECTION 2.22.075 IS HEREBY ADDED TO CHAPTER 2.22 OF THE VICTORVILLE MUNICIPAL CODE (PERSONNEL MERIT SYSTEM) TO READ AS FOLLOWS:

2.22.075 Probationary Period Exception; Lateral Appointments (Hires) of Firefighter/Paramedics.

When it is determined by the City Manager that it is in the best interest of the city to appoint (hire) individuals for the position classification of firefighter/paramedic, and such individuals meet the Lateral Entry requirements (as hereinafter defined), the probationary period may be reduced to six months. However, if the probationary period is reduced to six months, all other provisions of Section 2.22.070 shall remain applicable.

To meet the requirements for Lateral Entry, the applicant must be presently employed by the fire department of another recognized United States public agency (city, county, fire protection district, etc.) in the position classification for which Lateral Entry is currently being sought; have achieved regular (non-probationary) employment status with such recognized public agency in said position classification; have performed satisfactory service in such position classification; and otherwise meet the City's requirements for such position classification.

Section 4. Repeal of Conflicting Provisions.

All the provisions of the Victorville Municipal Code heretofore adopted by the City Council of the City of Victorville that are in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section 5. Severability.

The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 6. CEQA Exemption.

The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational, or administrative activity (amendment of a personnel rule) that will not result in direct or indirect changes in the environment and therefore is not a “project”.

Section 7. Effective Date.

This Ordinance shall take effect thirty (30) days after its final passage.

Section 8. Certification.

The City Clerk of the City of Victorville is hereby directed to certify to the passage and adoption of this Ordinance and to cause it to be published as required by law.